



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1867

Introduced 2/20/2015, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-14.1
720 ILCS 5/11-14.3
720 ILCS 5/11-14.4
720 ILCS 5/11-18.1

from Ch. 38, par. 11-18.1

Amends the Criminal Code of 2012. Increases from a Class A misdemeanor to a Class 4 felony soliciting of a sexual act from a person who is a resident of a Department of Children and Family Services licensed child care facility regardless of the age or intellectual disability of the resident. Provides for enhanced felony penalties for committing promoting prostitution, promoting juvenile prostitution, or patronizing a minor engaged in prostitution within 1,000 feet of a Department of Children and Family Services licensed child care institution or group home. Effective immediately.

LRB099 10396 RLC 30623 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Sections 11-14.1, 11-14.3, 11-14.4, and 11-18.1 as follows:

6 (720 ILCS 5/11-14.1)

7 Sec. 11-14.1. Solicitation of a sexual act.

8 (a) Any person who offers a person not his or her spouse
9 any money, property, token, object, or article or anything of
10 value for that person or any other person not his or her spouse
11 to perform any act of sexual penetration as defined in Section
12 11-0.1 of this Code, or any touching or fondling of the sex
13 organs of one person by another person for the purpose of
14 sexual arousal or gratification, commits solicitation of a
15 sexual act.

16 (b) Sentence. Solicitation of a sexual act is a Class A
17 misdemeanor. Solicitation of a sexual act from a person who is
18 under the age of 18, ~~or~~ who is severely or profoundly
19 intellectually disabled, or who is a resident of a Department
20 of Children and Family Services licensed child care facility is
21 a Class 4 felony. If the court imposes a fine under this
22 subsection (b), it shall be collected and distributed to the
23 Specialized Services for Survivors of Human Trafficking Fund in

1 accordance with Section 5-9-1.21 of the Unified Code of
2 Corrections.

3 (b-5) It is an affirmative defense to a charge of
4 solicitation of a sexual act with a person who is under the age
5 of 18 or who is severely or profoundly intellectually disabled
6 that the accused reasonably believed the person was of the age
7 of 18 years or over or was not a severely or profoundly
8 intellectually disabled person at the time of the act giving
9 rise to the charge.

10 (c) This Section does not apply to a person engaged in
11 prostitution who is under 18 years of age.

12 (d) A person cannot be convicted under this Section if the
13 practice of prostitution underlying the offense consists
14 exclusively of the accused's own acts of prostitution under
15 Section 11-14 of this Code.

16 (Source: P.A. 97-227, eff. 1-1-12; 97-1109, eff. 1-1-13;
17 98-1013, eff. 1-1-15.)

18 (720 ILCS 5/11-14.3)

19 Sec. 11-14.3. Promoting prostitution.

20 (a) Any person who knowingly performs any of the following
21 acts commits promoting prostitution:

22 (1) advances prostitution as defined in Section
23 11-0.1;

24 (2) profits from prostitution by:

25 (A) compelling a person to become a prostitute;

1 (B) arranging or offering to arrange a situation in
2 which a person may practice prostitution; or

3 (C) any means other than those described in
4 subparagraph (A) or (B), including from a person who
5 patronizes a prostitute. This paragraph (C) does not
6 apply to a person engaged in prostitution who is under
7 18 years of age. A person cannot be convicted of
8 promoting prostitution under this paragraph (C) if the
9 practice of prostitution underlying the offense
10 consists exclusively of the accused's own acts of
11 prostitution under Section 11-14 of this Code.

12 (b) Sentence.

13 (1) A violation of subdivision (a)(1) is a Class 4
14 felony, unless committed within 1,000 feet of real property
15 comprising a school, or within 1,000 feet of a Department
16 of Children and Family Services licensed child care
17 institution or group home, in which case it is a Class 3
18 felony. A second or subsequent violation of subdivision
19 (a)(1), or any combination of convictions under
20 subdivision (a)(1), (a)(2)(A), or (a)(2)(B) and Section
21 11-14 (prostitution), 11-14.1 (solicitation of a sexual
22 act), 11-14.4 (promoting juvenile prostitution), 11-15
23 (soliciting for a prostitute), 11-15.1 (soliciting for a
24 juvenile prostitute), 11-16 (pandering), 11-17 (keeping a
25 place of prostitution), 11-17.1 (keeping a place of
26 juvenile prostitution), 11-18 (patronizing a prostitute),

1 11-18.1 (patronizing a juvenile prostitute), 11-19
2 (pimping), 11-19.1 (juvenile pimping or aggravated
3 juvenile pimping), or 11-19.2 (exploitation of a child), is
4 a Class 3 felony.

5 (2) A violation of subdivision (a) (2) (A) or (a) (2) (B)
6 is a Class 4 felony, unless committed within 1,000 feet of
7 real property comprising a school, or within 1,000 feet of
8 a Department of Children and Family Services licensed child
9 care institution or group home, in which case it is a Class
10 3 felony.

11 (3) A violation of subdivision (a) (2) (C) is a Class 4
12 felony, unless committed within 1,000 feet of real property
13 comprising a school, or within 1,000 feet of a Department
14 of Children and Family Services licensed child care
15 institution or group home, in which case it is a Class 3
16 felony. A second or subsequent violation of subdivision
17 (a) (2) (C), or any combination of convictions under
18 subdivision (a) (2) (C) and subdivision (a) (1), (a) (2) (A),
19 or (a) (2) (B) of this Section (promoting prostitution),
20 11-14 (prostitution), 11-14.1 (solicitation of a sexual
21 act), 11-14.4 (promoting juvenile prostitution), 11-15
22 (soliciting for a prostitute), 11-15.1 (soliciting for a
23 juvenile prostitute), 11-16 (pandering), 11-17 (keeping a
24 place of prostitution), 11-17.1 (keeping a place of
25 juvenile prostitution), 11-18 (patronizing a prostitute),
26 11-18.1 (patronizing a juvenile prostitute), 11-19

1 (pimping), 11-19.1 (juvenile pimping or aggravated
2 juvenile pimping), or 11-19.2 (exploitation of a child), is
3 a Class 3 felony.

4 (4) A violation of this Section is a Class 2 felony if
5 the victim is over the age of 18 years old and was residing
6 in a Department of Children and Family Services licensed
7 child care institution or group home at any time during the
8 commission of the offense.

9 If the court imposes a fine under this subsection (b), it
10 shall be collected and distributed to the Specialized Services
11 for Survivors of Human Trafficking Fund in accordance with
12 Section 5-9-1.21 of the Unified Code of Corrections.

13 (Source: P.A. 98-1013, eff. 1-1-15.)

14 (720 ILCS 5/11-14.4)

15 Sec. 11-14.4. Promoting juvenile prostitution.

16 (a) Any person who knowingly performs any of the following
17 acts commits promoting juvenile prostitution:

18 (1) advances prostitution as defined in Section
19 11-0.1, where the minor engaged in prostitution, or any
20 person engaged in prostitution in the place, is under 18
21 years of age or is severely or profoundly intellectually
22 disabled at the time of the offense;

23 (2) profits from prostitution by any means where the
24 prostituted person is under 18 years of age or is severely
25 or profoundly intellectually disabled at the time of the

1 offense;

2 (3) profits from prostitution by any means where the
3 prostituted person is under 13 years of age at the time of
4 the offense;

5 (4) confines a child under the age of 18 or a severely
6 or profoundly intellectually disabled person against his
7 or her will by the infliction or threat of imminent
8 infliction of great bodily harm or permanent disability or
9 disfigurement or by administering to the child or severely
10 or profoundly intellectually disabled person, without his
11 or her consent or by threat or deception and for other than
12 medical purposes, any alcoholic intoxicant or a drug as
13 defined in the Illinois Controlled Substances Act or the
14 Cannabis Control Act or methamphetamine as defined in the
15 Methamphetamine Control and Community Protection Act and:

16 (A) compels the child or severely or profoundly
17 intellectually disabled person to engage in
18 prostitution;

19 (B) arranges a situation in which the child or
20 severely or profoundly intellectually disabled person
21 may practice prostitution; or

22 (C) profits from prostitution by the child or
23 severely or profoundly intellectually disabled person.

24 (b) For purposes of this Section, administering drugs, as
25 defined in subdivision (a) (4), or an alcoholic intoxicant to a
26 child under the age of 13 or a severely or profoundly

1 intellectually disabled person shall be deemed to be without
2 consent if the administering is done without the consent of the
3 parents or legal guardian or if the administering is performed
4 by the parents or legal guardian for other than medical
5 purposes.

6 (c) If the accused did not have a reasonable opportunity to
7 observe the prostituted person, it is an affirmative defense to
8 a charge of promoting juvenile prostitution, except for a
9 charge under subdivision (a)(4), that the accused reasonably
10 believed the person was of the age of 18 years or over or was
11 not a severely or profoundly intellectually disabled person at
12 the time of the act giving rise to the charge.

13 (d) Sentence. A violation of subdivision (a)(1) is a Class
14 1 felony, unless committed within 1,000 feet of real property
15 comprising a school, or within 1,000 feet of a Department of
16 Children and Family Services licensed child care institution or
17 group home, in which case it is a Class X felony. A violation
18 of subdivision (a)(2) is a Class 1 felony. A violation of
19 subdivision (a)(3) is a Class X felony. A violation of
20 subdivision (a)(4) is a Class X felony, for which the person
21 shall be sentenced to a term of imprisonment of not less than 6
22 years and not more than 60 years. A second or subsequent
23 violation of subdivision (a)(1), (a)(2), or (a)(3), or any
24 combination of convictions under subdivision (a)(1), (a)(2),
25 or (a)(3) and Sections 11-14 (prostitution), 11-14.1
26 (solicitation of a sexual act), 11-14.3 (promoting

1 prostitution), 11-15 (soliciting for a prostitute), 11-15.1
2 (soliciting for a juvenile prostitute), 11-16 (pandering),
3 11-17 (keeping a place of prostitution), 11-17.1 (keeping a
4 place of juvenile prostitution), 11-18 (patronizing a
5 prostitute), 11-18.1 (patronizing a juvenile prostitute),
6 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated
7 juvenile pimping), or 11-19.2 (exploitation of a child) of this
8 Code, is a Class X felony.

9 (e) Forfeiture. Any person convicted of a violation of this
10 Section that involves promoting juvenile prostitution by
11 keeping a place of juvenile prostitution or convicted of a
12 violation of subdivision (a)(4) is subject to the property
13 forfeiture provisions set forth in Article 124B of the Code of
14 Criminal Procedure of 1963.

15 (f) For the purposes of this Section, "prostituted person"
16 means any person who engages in, or agrees or offers to engage
17 in, any act of sexual penetration as defined in Section 11-0.1
18 of this Code for any money, property, token, object, or article
19 or anything of value, or any touching or fondling of the sex
20 organs of one person by another person, for any money,
21 property, token, object, or article or anything of value, for
22 the purpose of sexual arousal or gratification.

23 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-227, eff.
24 1-1-12; 97-1109, eff. 1-1-13.)

25 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

1 Sec. 11-18.1. Patronizing a minor engaged in prostitution.

2 (a) Any person who engages in an act of sexual penetration
3 as defined in Section 11-0.1 of this Code with a person engaged
4 in prostitution who is under 18 years of age or is a severely
5 or profoundly intellectually disabled person commits
6 patronizing a minor engaged in prostitution.

7 (a-5) Any person who engages in any touching or fondling,
8 with a person engaged in prostitution who either is under 18
9 years of age or is a severely or profoundly intellectually
10 disabled person, of the sex organs of one person by the other
11 person, with the intent to achieve sexual arousal or
12 gratification, commits patronizing a minor engaged in
13 prostitution.

14 (b) It is an affirmative defense to the charge of
15 patronizing a minor engaged in prostitution that the accused
16 reasonably believed that the person was of the age of 18 years
17 or over or was not a severely or profoundly intellectually
18 disabled person at the time of the act giving rise to the
19 charge.

20 (c) Sentence. A person who commits patronizing a minor
21 engaged in prostitution ~~juvenile prostitute~~ is guilty of a
22 Class 3 felony, unless committed within 1,000 feet of real
23 property comprising a school or within 1,000 feet of a
24 Department of Children and Family Services licensed child care
25 institution or group home, in which case it is a Class 2
26 felony. A person convicted of a second or subsequent violation

1 of this Section, or of any combination of such number of
2 convictions under this Section and Sections 11-14
3 (prostitution), 11-14.1 (solicitation of a sexual act),
4 11-14.3 (promoting prostitution), 11-14.4 (promoting juvenile
5 prostitution), 11-15 (soliciting for a prostitute), 11-15.1
6 (soliciting for a juvenile prostitute), 11-16 (pandering),
7 11-17 (keeping a place of prostitution), 11-17.1 (keeping a
8 place of juvenile prostitution), 11-18 (patronizing a
9 prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or
10 aggravated juvenile pimping), or 11-19.2 (exploitation of a
11 child) of this Code, is guilty of a Class 2 felony. The fact of
12 such conviction is not an element of the offense and may not be
13 disclosed to the jury during trial unless otherwise permitted
14 by issues properly raised during such trial.

15 (Source: P.A. 96-1464, eff. 8-20-10; 96-1551, eff. 7-1-11;
16 97-227, eff. 1-1-12; 97-1109, eff. 1-1-13.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.